

**Title 33**  
**ENVIRONMENTAL QUALITY**

**Part XV. Radiation Protection**

**Chapter 3. Licensing of Radioactive Material**

**Subchapter C. General licenses**

**§322. General Licenses: Radioactive Material Other Than Source Material**

A. Certain Devices and Equipment. A general license is hereby issued to transfer, receive, acquire, own, possess, and use radioactive material incorporated in the following devices or equipment that have been manufactured, tested, and labeled by the manufacturer in accordance with a specific license issued to the manufacturer by the U.S. Nuclear Regulatory Commission for use pursuant to 10 CFR 31.3. Attention is directed particularly to the provisions of 10 CFR 20 concerning labeling of containers. This general license is subject to the provisions of LAC 33:XV.104-109, ~~LAC 33:XV.304.A.2~~, 331, 340, 350, and Chapters 4, 10, and 15 of these regulations.

1. Static Elimination Devices. This includes ~~D~~ devices designed for use as static eliminators that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device.

2. Ion-generating Tubes. This includes ~~D~~ devices designed for ionization of air that contain, as a sealed source or sources, radioactive material consisting of a total of not more than 500 microcuries of polonium-210 per device or a total of not more than 50 millicuries of hydrogen-3 (tritium) per device.

B. – D.3.f. ...

g. except as provided in LAC 33:XV.322.D.3.h, transfer or dispose of the device containing radioactive material only by export as provided in 10 CFR Part 110 or by transfer to a specific licensee of the department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the Office of Environmental Services, Permits Division, a report containing identification of the device by manufacturer's name and model number, and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

h. – i. ...

j. Reserved.

k. appoint an individual responsible for having knowledge of the appropriate regulations and requirements and the authority for taking required actions to comply with appropriate regulations and requirements. The general licensee, through this individual, shall ensure the day-to-day compliance with the appropriate regulations and requirements. This appointment does not relieve the general licensee of any of its responsibility in this regard;

l. register, in accordance with the provisions in this Subparagraph,

devices containing at least 370 MBq (10 mCi) of cesium-137, 3.7 MBq (0.1 mCi) of strontium-90, 37 MBq (1 mCi) of cobalt-60, or 37 MBq (1 mCi) of americium-241 or any other transuranic (i.e., element with atomic number greater than uranium (92)), based on the activity indicated on the label. Each address for a location of use, as described in this Subparagraph, represents a separate general licensee and requires a separate registration and fee:

i. annual registration with the Office of Environmental Services, Permits Division, shall include payment of the fee required by LAC 33:XV.2505. Registration must be done by verifying, correcting, and/or adding to the information provided in a request for registration received from the department. The registration information must be submitted to the department within 30 days of the date of the request for registration or as otherwise indicated in the request;

ii. in registering devices, the general licensee shall furnish the following information, as indicated on the label, and any other information specifically requested by the department:

(a). the name and mailing address of the general licensee;

(b). information about each device:

(i). the manufacturer (or initial transferor);

(ii). the model number;

(iii). the serial number; and

(iv). the radioisotope and activity;

(c). the name, title, and telephone number of the responsible person designated as a representative of the general licensee and identified by the transferee to have knowledge of and authority to take actions to ensure day-to-day compliance with the appropriate regulations and requirements without relieving the general licensee of any of his or her responsibility in this regard;

(d). the address or location at which the devices are used and/or stored. For portable devices, list the address of the primary place of storage;

(e). certification by the responsible representative of the general licensee that the information concerning the devices has been verified through a physical inventory and checking of label information; and

(f). certification by the responsible representative of the general licensee that he or she is aware of the requirements of the general license;

iii. persons generally licensed by an agreement state with respect to devices meeting the criteria in this Subparagraph are not subject to registration requirements if the devices are used in areas subject to department jurisdiction for a period less than 180 days in any calendar year. The department will not request registration information from such licensees;

m. report changes to the mailing address for the location of use (including change in the name of the general licensee) to the Office of Environmental Compliance, Permits Division, within 30 days of the effective date of the change. For a portable device, a report of address change is only required for a change in the device's primary place of storage;

n. not hold devices that are not in use for longer than two years. If devices with shutters are not being used, the shutter must be locked in the closed position. The testing required by this Subsection need not be performed during the period of storage only.

However, when devices are put back into service or transferred to another person, and have not been tested within the required test interval, they must be tested for leakage before use or transfer and the shutter tested before use. Devices kept in standby for future use are excluded from the two-year time limit if the general licensee performs quarterly physical inventories of these devices while they are in standby.

D.4. – J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2567 (November 2000), LR 27:1226 (August 2001), LR 30:

### **§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material**

A. – D.1.c.iii.(b). ...

d. each device having a separable source housing that provides the primary shielding for the source also bears, on the source housing, a durable label containing the device model number and serial number, the isotope and quantity, the words "Caution—Radioactive Material," the radiation symbol described in LAC 33:XV.450, and the name of the manufacturer or initial distributor;

e. each device meeting the criteria of LAC 33:XV.322.D.3.1 bears a permanent (e.g., embossed, etched, stamped, or engraved) label affixed to the source housing, if separable, or to the device if the source housing is not separable, that includes the words "Caution—Radioactive Material" and, if practicable, the radiation symbol described in LAC 33:XV.450.

2. – 2.j. ...

3. In the event the applicant desires that the general licensee under LAC 33:XV.322.D, or under equivalent regulations of the U.S. Nuclear Regulatory Commission or of any other agreement state or licensing state, be authorized to install the device, collect the sample to be analyzed by a specific licensee for leakage of radioactive material, service the device, test the on-off mechanism and indicator, or remove the device from installation, he or she shall include in the application written instructions to be followed by the general licensee, estimated calendar quarter doses associated with such activity or activities, and bases for such estimates. The submitted information shall demonstrate that performance of such activity or activities by an individual untrained in radiological protection, in addition to other handling, storage, and use of devices under the general license, is unlikely to cause that individual to receive a calendar quarter dose in excess of 10 percent of the limits specified in ~~the table in~~ LAC 33:XV.410.A.

a. If a device containing byproduct material is to be transferred for use under the general license referred to in this Subsection, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required

information includes:

- i. a copy of the general license;
- ii. copies of the appropriate records and of LAC 33:XV.485

and 486;

- iii. a list of the services that can only be performed by a

specific licensee;

- iv. information on acceptable disposal options including

estimated costs of disposal; and

- v. an indication that the U.S. Nuclear Regulatory

Commission's policy is to issue high civil penalties for improper disposal.

b. If byproduct material is to be transferred in a device for use under an equivalent general license of an agreement state, each person who is licensed under this Subsection shall provide the information specified in this Subparagraph to each person to whom a device is to be transferred. This information must be provided before the device may be transferred. In the case of a transfer through an intermediate person, the information must also be provided to the intended user prior to initial transfer to the intermediate person. The required information includes:

i. copies of this Subsection and of LAC 33:XV.485 and 486, and the appropriate records. If a copy of the U.S. Nuclear Regulatory Commission's regulations is provided to a prospective general licensee in lieu of the department's regulations, it shall be accompanied by a note explaining that use of the device is regulated by the department; if certain paragraphs of the regulations do not apply to the particular device, those paragraphs may be omitted;

ii. a list of the services that can only be performed by a specific licensee;

iii. information on acceptable disposal options including estimated costs of disposal; and

iv. the name or title, address, and telephone number of the contact at the agreement state regulatory agency from whom additional information may be obtained.

c. An alternative approach to informing customers may be proposed by the licensee for approval by the department.

d. Each device that is transferred after February 19, 2002, must meet the labeling requirements in Subparagraphs D.1.c-e of this Section.

e. If a notification of bankruptcy has been made under LAC 33:XV.331.E-F or the license is to be terminated, each person licensed under this Subsection shall provide, upon request, to the department and to any appropriate agreement state, records of final disposition, which must be maintained for a period of three years following the date of the recorded event.

4. Each person licensed under this Subsection to distribute devices to persons generally licensed shall do the following.

a. Furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license contained in LAC 33:XV.322.D.

b. In the case where the transferee receives radioactive material in a device pursuant to a general license contained in the U.S. Nuclear Regulatory Commission's or agreement state's regulations equivalent to LAC 33:XV.322.D, furnish a copy of the general license contained in the U.S. Nuclear Regulatory Commission's, agreement state's, or licensing state's regulations equivalent to LAC 33:XV.322.D, or alternatively, furnish a copy of the general license contained in LAC 33:XV.322.D to each person to whom he or she directly or through an intermediate person transfers radioactive material in a device for use pursuant to the general license of the U.S. Nuclear Regulatory Commission, the agreement state, or the licensing state. If a copy of the general license in LAC 33:XV.322.D is furnished to such person, it shall be accompanied by a note explaining that the use of the device is regulated by the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state under requirements substantially the same as those in LAC 33:XV.322.D.

b. Report all transfers of devices to persons for use under the general license in LAC 33:XV.322.D.1 and all receipts of devices from persons licensed under LAC 33:XV.322.D.1 to the Office of Environmental Compliance, Surveillance Division. The report must be submitted on a quarterly basis on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and telephone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a LAC 33:XV.322.D.1 general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a LAC 33:XV.322.D.1 general licensee, such that the label must be changed to update required

information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by the report.

vi. The report must clearly identify the specific licensee submitting the report and include the license number of the specific licensee.

vii. If no transfers have been made to or from persons generally licensed under LAC 33:XV.322.D.1 during the reporting period, the report must so indicate.

c. Report all transfers of devices to persons for use under a general license in an agreement state's regulations that are equivalent to LAC 33:XV.322.D.1 and all receipts of devices from general licensees in the agreement state's jurisdiction to the responsible agreement state agency. The report must be submitted on a RAD-41 Form or in a clear and legible report containing all of the data required by the form.

i. The required information for transfers to general licensees includes:

(a). the identity of each general licensee by name and mailing address for the location of use. If there is no mailing address for the location of use, an alternate address for the general licensee shall be submitted along with information on the actual location of use;

(b). the name, title, and phone number of the person identified by the general licensee as having knowledge of and authority to take required actions to ensure compliance with the appropriate regulations and requirements;

(c). the date of transfer;

(d). the type, model number, and serial number of the device transferred; and

(e). the quantity and type of byproduct material contained in the device.

ii. If one or more intermediate persons will temporarily possess the device at the intended place of use before its possession by the user, the report must include the same information for both the intended user and each intermediate person, and clearly designate the intermediate persons.

iii. For devices received from a general licensee, the report must include:

(a). the identity of the general licensee by name and address;

(b). the type, model number, and serial number of the device received;

(c). the date of receipt; and

(d). in the case of devices not initially transferred by the reporting licensee, the name of the manufacturer or initial transferor.

iv. If the licensee makes changes to a device possessed by a general licensee, such that the label must be changed to update required information, the report must identify the general licensee, the device, and the changes to information on the device label.

v. The report must cover each calendar quarter, must be filed within 30 days of the end of the calendar quarter, and must clearly indicate the period covered by

the report.

vi. The report must clearly identify the specific licensee submitting the report and must include the license number of the specific licensee.

vii. If no transfers have been made to or from a particular agreement state during the reporting period, this information shall be reported to the responsible agreement state agency upon request of the agency.

d. Maintain all information concerning transfers and receipts of devices that supports the reports required by this Paragraph. This information and the reports must be maintained for a period of three years following the date of the recorded event.

ee. Report to the Office of Environmental Services, Permits Division, all transfers of such devices to persons for use under the general license in LAC 33:XV.322.D. Such reports must be maintained for a period of three years following the date of the recorded event and shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under LAC 33:XV.322.D during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter.

ff. For all transfers out of Louisiana, the distributor shall make reports prescribed in ~~LAC 33:XV.328.D.4~~ this Paragraph as follows.

i. Report to the U.S. Nuclear Regulatory Commission all transfers of such devices to persons for use under the U.S. Nuclear Regulatory Commission general license in 10 CFR 31.5.

ii. Report to the responsible state agency all transfers of devices manufactured and distributed ~~pursuant to LAC 33:XV.328.D~~ in accordance with this Subsection for use under a general license in that state's regulations equivalent to LAC 33:XV.322.D.

iii. Such reports shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the agency and the general licensee, the type and model of the device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. The report shall be submitted within 30 days after the end of each calendar quarter in which such device is transferred to the person generally licensed.

iv. If no transfers have been made to the U.S. Nuclear Regulatory Commission's licensees during the reporting period, this information shall be reported to the U.S. Nuclear Regulatory Commission.

v. If no transfers have been made to persons generally licensed within a particular state during the reporting period, this information shall be reported to the responsible state agency upon request of the agency.

eg. Keep records showing the name, address, and the point of contact for each general licensee to whom he or she directly or through an intermediate person transfers radioactive material in devices for use pursuant to the general license provided in LAC 33:XV.322.D, or equivalent regulations of the U.S. Nuclear Regulatory Commission or any other agreement state or licensing state. The records must show the date of each transfer, the isotope and the quantity of radioactive material in each device transferred, the identity of any intermediate person, and compliance with the reporting requirements of ~~LAC 33:XV.328.D.4~~this Paragraph.

E. – M.4.g. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2569 (November 2000), LR 26:2768 (December 2000), LR 27:1228 (August 2001), LR 30:

## **Chapter 4. Standards for Protection Against Radiation**

### **Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas**

#### **§442. Use of Individual Respiratory Protection Equipment**

A. – A.3.g. ...

4. the licensee or registrant shall issue and comply with a written policy statement on respirator usage covering:

a. – c. ...

d. the availability of sufficient standby rescue persons to assist all respirator users and to provide effective emergency rescue if needed; and

A.4.e. – D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:972 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2577 (November 2000), LR 29:1469 (August 2003), LR 30:

## **Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations**

### **Subchapter A. Equipment Control**



#### **§544. Leak Testing, Repair, Tagging, Opening, Modification, Replacement, and Records of Receipt and Transfer of Sealed Sources**

A. ...

B. Each sealed source, ~~except an energy compensation source (ECS)~~, shall be tested for leakage at intervals not to exceed six months. In the absence of a certificate from a transferor that a test has been made within the six-month period prior to the transfer, the sealed source shall not be put into use until tested.

C. – G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2582 (November 2000), LR 27:1233 (August 2001), LR 29:1469 (August 2003), LR 30:

### **Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies**

#### **§2004. Prohibition**

A. – A.1. ...

2. in the event a decision is made to abandon the sealed source downhole, the requirements of LAC 33:XV.2051-~~C~~ and any other requirements of any state agency having applicable regulations shall be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 30:

#### **§2014. Leak Testing of Sealed Sources**

A. ...

B. Method of Testing. Tests for leakage shall be performed only by persons specifically authorized to perform such tests by the Office of Environmental Services, Permits Division, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. The wipe of a sealed source must be performed using a leak test kit or method approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state. The test sample shall be taken from the surface of the source, source holder, or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination by a person approved by the department, the U.S. Nuclear Regulatory Commission, or an agreement state to perform the analysis. ~~and~~ The analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

C. – E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2604 (November 2000), LR 29:1471 (August 2003), LR 30: